

Notice of Allowability	Application No.	Applicant(s)	
	10/650,461	DAWES, DAVID	
	Examiner	Art Unit	
	PETER RADKOWSKI	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/2/2009.

2. ☒ The allowed claim(s) is/are 1,3,4,6-14 and 21-25.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____
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Detailed Office Action

Comments

1. Claims 2, 5, and 15-20 were canceled by the applicant.

Response to Applicant's Arguments

2. As applicant argues, prior art reference Keneko et al. (6,088,492; "Kaneko") fails to teach an optical waveguide device having a lens duct "formed integrally" with an amorphous slab waveguide. Remarks, p. 4, ll. 11-19. This argument is persuasive in light of applicant's amendments to independent claims 1 and 21 wherein applicant adds the limitations of "the at least one amorphous film-based slab waveguide including a lens duct formed integrally with the slab waveguide. These limitations facilitate the coupling of light transmitted from a diode laser.

Keneko remains the closest prior art of record in this application. However, in light of the applicant's amendment, claims 1, 3-4, 6-14; and 21-25 are allowable as distinguished over the prior art of record because of the reason stated above. It is this examiner's position that prior art, taken alone, fails to disclose or, taken in combination, fails to render obvious the limitations of the claims discussed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Reasons for Allowance."

Allowable Subject Matter

3. Claims 1, 3-4 and 6-14 are allowed.

Independent claim 1 is allowed because the prior art, taken alone, fails to disclose or, taken in combination, fails to render obvious an optical waveguide device comprising: at least one laser diode; at least one amorphous film-based slab waveguide; wherein the at least one amorphous film-based slab waveguide includes a lens duct formed integrally with the slab waveguide; in combination with the other recited limitations in the claim.

Claims 3-4 and 6-14 are allowable as dependent upon claim 1.

4. Claims 21-25 are allowed.

Independent claim 21 is allowed because the prior art, taken alone, fails to disclose or, taken in combination, fails to render obvious an optical waveguide device comprising: at least one laser diode; at least one amorphous film-based, biased pulsed DC plasma vapor-deposited slab waveguide; wherein the at least one amorphous film-based slab waveguide includes a lens duct formed integrally with the slab waveguide; in combination with the other recited limitations in the claim.

Claims 22-25 are allowable as dependent upon claim 21.

Conclusion

5. The prior art made of record in Form 892 and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Radkowski whose telephone number is (571) 270-1613. The examiner can normally be reached on Monday - Thursday, 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font, can be reached on (517) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, See <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

/Peter P. Radkowski/
Patent Examiner, Art Unit 2883

/Frank G Font/
Supervisory Patent Examiner, Art Unit 2883